

## Remarks/Arguments

The Applicant thanks the Examiner for the Office Action dated October 12, 2005.

The Office Action has been carefully considered. The issues raised are traversed and addressed below with reference to the relevant headings and paragraph numbers appearing under the Detailed Action of the Office Action.

### *Claim Rejections – 35 USC § 103*

At paragraphs 2 – 5 of the Office Action, the Examiner has raised an obviousness rejection against the claims of the application. The Applicant respectfully disagrees with the Examiner's and requests withdrawal of the claims rejection after the Examiner has considered the reasoning set out below.

Firstly, in support of the Applicant's submissions, the Examiner's attention is drawn to the MPEP guidelines at §2143 "*Basic Requirements of a Prima Facie Case of Obviousness*" which states the following:

*"...three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.*

*The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, not in the Applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed Cir, 1991)"*

In this regard, the Applicant submits that the Examiner has not shown that all claim limitations of at least claim 1 have been taught or even suggested by the *Earl* citation.

In particular, the Applicant notes that in the Office Action, the Examiner has identified the feature of the "application" as recited in claim 1 as being anticipated by the "Build and Transmit Score Report subsystem" (BTSRS) (84) (col 5 lines 3-9). However, if this is indeed the case, and the *Earl* citation is read in this context, then the citation entirely fails to either teach or suggest at least step (a) of claim 1 in that there is no teaching that the BTSRS (ie "the application") is "identifiable by the received interaction data". The *Earl* citation merely states at col 3 lines 26-28 that at block (38) in Fig. 3 the system (10) decodes header data (28) associated with received bitmap image data at (36) and identifies "the sender of the transmission". This does not however teach that "interaction data" enables identification of "the application" which in this case is taken to be the BTSRS in accordance with the Examiner's approach.

Furthermore, *Earl* also fails to teach or suggest at least step (b) of claim 1 in that there is no teaching in the cited document that "information" is transmitted to the BTSRS wherein the "information" is based on at least some of the "interaction data". It is noted that whilst the BTSRS does receive "score information" from a "score database" (eg. col 5, lines 4-5), this cannot properly be characterised as "information" within the meaning of claim 1 given that there is nothing to suggest that the "score information" is based on at least some of the "interaction data".

Therefore, in view of the Applicant's above comments the Applicant submits that a *prima facie* finding of obviousness against at least claim 1 cannot properly be established in accordance with the §2143 of the MPEP guidelines given that a person of ordinary skill in the art could not be expected to combine non-existent integers in the citations so as to arrive at the claimed invention. By virtue of their dependency upon claim 1, it is submitted that the obviousness rejections directed towards claims 2-19 should also be withdrawn accordingly. Similar arguments apply in respect to the system claim 21 and its dependencies.

In view of the foregoing, it is respectfully requested that the Examiner reconsider and withdraw the rejections raised in the Office Action. The present application is believed to be in condition for allowance. Accordingly, the Applicant respectfully requests a Notice of Allowance of all the claims presently under examination.

Very respectfully,  
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